

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5338

Chapter 218, Laws of 2017

65th Legislature
2017 Regular Session

OFF-ROAD VEHICLES AND SNOWMOBILES--REGISTRATION ENFORCEMENT

EFFECTIVE DATE: 8/1/2017

Passed by the Senate April 18, 2017
Yeas 47 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House April 5, 2017
Yeas 92 Nays 5

FRANK CHOPP

Speaker of the House of Representatives

Approved May 5, 2017 10:48 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5338** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 5, 2017

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5338

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Senate Transportation (originally sponsored by Senators Wilson and Takko)

READ FIRST TIME 02/14/17.

1 AN ACT Relating to registration enforcement for off-road vehicles
2 and snowmobiles; adding a new section to chapter 46.09 RCW; adding a
3 new section to chapter 46.10 RCW; adding a new section to chapter
4 46.93 RCW; creating new sections; prescribing penalties; and
5 providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that many residents
8 of Washington enjoy recreational opportunities for off-road vehicle
9 and snowmobile use afforded by the natural beauty of the state and do
10 so in compliance with vehicle titling and registration laws and other
11 laws that govern off-road vehicle and snowmobile use. At the same
12 time, the legislature recognizes that the current law and
13 corresponding enforcement regime may not be robust enough to ensure
14 full compliance with legal registration requirements and a level
15 playing field for all users. It is therefore the intent of the
16 legislature to modify the statutory framework governing penalties for
17 off-road vehicle and snowmobile registration violations and to add
18 requirements to the department of licensing in order to improve
19 registration compliance.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.09
2 RCW under the subchapter heading "uses and violations" to read as
3 follows:

4 (1) It is a gross misdemeanor, punishable as provided under
5 chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140,
6 to knowingly fail to apply for a Washington state certificate of
7 title for, or to knowingly fail to register, an off-road vehicle
8 within fifteen days of receiving or refusing a notice issued by the
9 department under section 4 of this act.

10 (2) Excise taxes owed and fines assessed must be deposited in the
11 manner provided under RCW 46.16A.030(6).

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.10
13 RCW under the subchapter heading "uses and violations" to read as
14 follows:

15 (1) It is a gross misdemeanor, punishable as provided under
16 chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140,
17 to knowingly fail to register a snowmobile within fifteen days of
18 receiving or refusing a notice issued by the department under section
19 4 of this act.

20 (2) Excise taxes owed and fines assessed must be deposited in the
21 manner provided under RCW 46.16A.030(6).

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.93
23 RCW to read as follows:

24 (1) By the first business day in February of each year, beginning
25 in 2018, motorsports vehicle manufacturers must report to the
26 department of licensing a listing of all motorsports vehicle
27 warranties for off-road vehicles under chapter 46.09 RCW and
28 snowmobiles under chapter 46.10 RCW sold to Washington residents by
29 out-of-state motorsports vehicle dealers in the previous calendar
30 year. The report must be transmitted such that the department
31 receives the listing no later than the first business day in
32 February. Failure to report a complete listing as required under this
33 subsection results in an administrative fine of one hundred dollars
34 for each day after the first business day in February that the
35 department has not received the report.

36 (2) The department of licensing shall examine the listing
37 reported in subsection (1) of this section to verify whether the
38 vehicles are properly registered in the state. Beginning in 2018, and

1 to the extent that it has received the listing required under
2 subsection (1) of this section, the department shall notify by
3 certified mail from the United States postal service, with return
4 receipt requested, by the end of February of each year, the
5 purchasers of the warranties of the off-road vehicles and snowmobiles
6 that are not properly registered in the state of the owner's
7 obligations under state law regarding vehicle titling, registration,
8 and use tax payment, as well as of the penalties for failure to
9 comply with the law.

10 (3) Fines received under this section must be paid into the state
11 treasury and credited to the nonhighway and off-road vehicle
12 activities program account under RCW 46.09.510 and to the snowmobile
13 account under RCW 46.68.350. The state treasurer must apportion the
14 fines between the accounts according to the pro rata share of the
15 number of off-road vehicle and snowmobile registrations in the
16 previous calendar year. The department must provide the state
17 treasurer with the information needed to determine the apportionment.

18 NEW SECTION. **Sec. 5.** Section 4 of this act applies to the sales
19 of off-road vehicles and snowmobiles beginning in January 2017.

20 NEW SECTION. **Sec. 6.** This act takes effect August 1, 2017.

Passed by the Senate April 18, 2017.

Passed by the House April 5, 2017.

Approved by the Governor May 5, 2017.

Filed in Office of Secretary of State May 5, 2017.

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